

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 2666 (JNE/FLN)

**This Document Relates to:
All Actions**

**AFFIDAVIT OF DAVID HODGES IN
SUPPORT OF KENNEDY HODGES,
LLP'S RESPONSE TO DEFENDANTS'
MOTION TO COMPEL PRODUCTION
OF DOCUMENTS ON AUGUSTINE'S
PRIVILEGE LOG**

I, David W. Hodges, declare as follows:

1. I am a partner at Kennedy Hodges, LLP, and one of the attorneys representing Tommy Walton and Timothy Johnson (collectively "Plaintiffs") in this litigation. I submit this affidavit in support of Kennedy Hodges, LLP's Response to Defendants' Motion to Compel Production of Documents on Augustine's Privilege Log. Unless otherwise stated, the facts set forth herein are based on my personal knowledge, information, and belief.

2. Attached as **Exhibit A** is a true and correct copy of Order Denying Defendants' First Motion to Compel Production, *Walton v. 3M Co.*, No. 4:13-cv-01164(S.D. Tex. May 19, 2015), ECF No. 120.

3. Attached as **Exhibit B** is a true and correct copy of Order Denying Defendants' Second Motion to Compel Production, *Walton v. 3M Co.*, No. 4:13-cv-01164 (S.D. Tex. September 8, 2015), ECF No. 120.

4. Attached as **Exhibit C** is a true and correct copy of Order Memorializing Rulings from Telephone Discovery Status Conference, *Johnson v. 3M Co.*, No. 14-cv-2044 (D. Kan. October 16, 2015), ECF No. 98.

5. Attached as **Exhibit D** is a true and correct copy of Letter to Counsel Identifying Potential Experts, October 1, 2014.

6. Attached as **Exhibit E** is a true and correct copy of Protective Order from Walton, *Walton v. 3M Co.*, No. 4:13-cv-01164 (S.D. Tex. October 30, 2014), ECF No. 49.

7. Attached as **Exhibit F** is a true and correct copy of Plaintiff's Response to Defendants' Motion to Compel Plaintiff's Responses to Discovery, *Walton v. 3M Co.*, No. 4:13-cv-01164 (S.D. Tex. May 6, 2015), ECF No. 111.

8. Attached as **Exhibit G** is a true and correct copy of the Email Correspondence Regarding Meet and Confer, January 25, 2017.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

January 26, 2017

/s/ David W. Hodges